



PATENT  
Our Reference No. 056100-5039

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
<b>Wolf B. FROMMER <i>et al.</i></b>	)	Confirmation No. 4393
	)	
Application No.: 09/913,767	)	Group Art Unit: 1638
	)	
Filed: <b>January 10, 2002</b>	)	Examiner: <b>Ibrahim, M.A.</b>
	)	
For: <b>NUCLEIC ACIDS THAT CODE FOR A</b>	)	
<b>NUCLEOBASE TRANSPORTER</b>	)	

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window, **Mail Stop AF**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Dated: June 1, 2006

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.116**

This paper responds to the Final Office Action, dated January 12, 2006, time for response to which expired April 12, 2006. An extension of time of two months is filed concurrently, thereby extending the period of response to June 12, 2006.

Applicants respectfully request reconsideration of this application in view of the following amendment and remarks.

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

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PATENT  
Attorney Docket 056100-5039

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Application No. **09/913,767** ) Group Art Unit: **1638**  
Filed: **January 10, 2002** ) Examiner: **Ibrahim, M.A.**  
For: **Nucleic Acids that Code for a Nucleobase** ) Date: **June 1, 2006**  
**Transporter** )

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**TRANSMITTAL FORM**

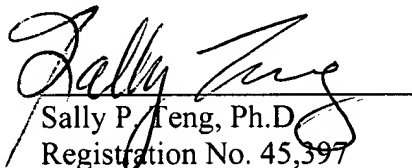
- Transmitted herewith is an Amendment Under 37 C.F.R. 1.116 in response to the final Office Action dated January 12, 2006.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. Applicants petition for a two-month extension of time from April 12, 2006 to June 12, 2006, the fee for which is **\$225.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	27	minus	34	0	\$50 each=	\$0.00
Independent Claims	2	minus	14	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						\$0.00
Reduction by ½ for filing by a small entity						\$0.00
Total Fee =						\$0.00

4. Fee Payment: The Commissioner is hereby authorized to charge **\$225.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee at the small entity rate.
5. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **June 1, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
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